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March 6, 2007 by Ray Butler Ray Butler  
Date Signature (print name)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Zeiher et al.

Filing Date: October 13, 2004

Application No.: 10/574,380

For: IN VITRO METHOD FOR THE DIAGNOSIS OF CARDIOVASCULAR  
FUNCTIONALITY OF BONE MARROW-PRECURSOR CELLS (BMPs) AND/OR  
BLOOD-DERIVED CIRCULATING PRECURSOR CELLS (BDPs)

Docket: 81197-2

Date: March 5, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

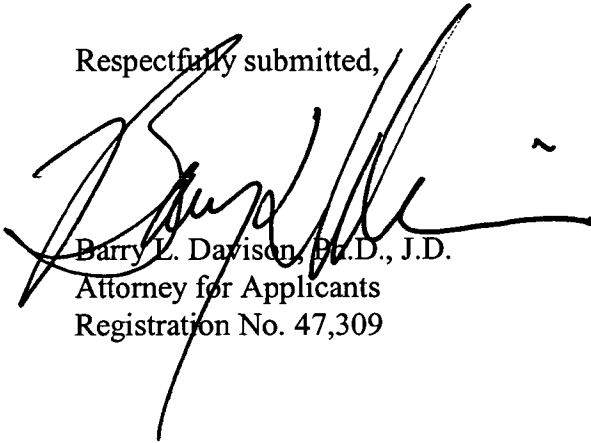
Pursuant to the obligation recited in 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants request consideration of this Information Disclosure Statement in prosecution of this application. Pursuant to 37 C.F.R. § 1.97(b), no fee or certification is required because this Statement is filed within three months of the filing date of the application or before the mailing date of a first Office Action on the merits, whichever event occurs last.

Applicants cite four references listed on the attached form substitute Form PTO-1449. A copy of the cited reference is enclosed for the Examiner's review. The Examiner is encouraged to review the references in order to draw his or her own conclusions concerning the pertinence of the reference to the claimed subject matter of this application. The filing of this Information Disclosure

Statement should not be construed to suggest that a patentability search has been made or that the cited references are prior art or are considered to be material to patentability.

These references were cited in the International Preliminary Examination Report of the international patent application from which it derives. A copy of the Examination Report is also enclosed.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Barry L. Davison', is written over the typed name and title.

Barry L. Davison, Ph.D., J.D.  
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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	10/574,380
				Filing Date	October 13, 2004
				First Named Inventor	Zeher
				Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	81197-2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				Filing Date	October 13, 2004
				First Named Inventor	Zeiher
				Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	81197-2

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	O1	VASA, M. et al., Number and migratory activity of circulating endothelial progenitor cells inversely correlate with risk factors for coronary artery disease," <i>Circulation Research</i> 89(1): E1-E7	
	O2	YAMAGUCHI, J.-I. et al., Stromal cell-derived factor-1 effects on <i>ex vivo</i> expanded endothelial progenitor cell recruitment for ischemic neovascularization," <i>Circulation</i> 107(9) 1322-1328	
	O3	ASSMUS, B. et al., Transplantation of progenitor cells and regeneration enhancement in acute myocardial infarction (TOPCARE-AMI), <i>Circulation</i> 106(24) 3009-3017	
	O4	KIM, C.H. et al., <i>In vitro</i> behavior of hematopoietic progenitor cells under the influence of chemoattractants: stromal cell-derived Factor-1, steel factor, and the bone marrow environment, <i>Blood</i> 91(1), 100-110	

Examiner Signature	/Michail Belyavskyi/	Date Considered	02/16/10
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformation with MPEP 609. Draw line through citation if not in conformation and not considered. Include copy of this form with next communication to applicant.

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